

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference AMG1 69WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/003178	International filing date (day/month/year) 25.03.2004	Priority date (day/month/year) 26.03.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant AMI AGROLINZ MELAMINE INTERNATIONAL GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003178

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-22 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-18 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003178

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	6	YES
	Claims	1-5, 7-18	NO
Inventive step (IS)	Claims	6	YES
	Claims	1-5, 7-18	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

The present report makes reference to the following documents:

D1: US-A-4379911
D2: DE-A-3724868
D3: EP-A-0568865.

- 1.0 D1 discloses an amino triazine condensation product produced by reacting a "**melamine compound**" with oxocarboxylic acid derivatives (see D1, claim 1 and column 2, lines 20-37). It is clear from document D1 that, in claim 1 of D1, the expression "**melamine compound**" encompasses melamine *per se* as well as melamine-formaldehyde products (for example see D1, claim 2). The subject matter of the present claims 1, 2, 3, 4 and 5 therefore lacks novelty over said document (PCT Article 33(2)). D1 also discloses a method for the production of amino triazine condensation products, which method contains all the essential features of the present claims 8, 10, 14 and 16 (see the examples in D1). The subject matter of the present claims 8-10, 14 and 16 therefore also

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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lacks novelty over D1. The amino triazine condensation products according to document D1 are used as hardeners for epoxy resins. The subject matter of the present claim 15 therefore also lacks novelty.

- 2.0 It is not generally accepted that, as maintained by the applicant, salts are not derivatives in the normal meaning of the word. Example 9 of document D2 discloses the reaction of a derivative of glyoxylic acid (sodium salt) with melamine and then with glyoxyl.

The subject matter of the present claims 1, 8, 9, 10, 11, 12, 13 and 14-18 therefore lacks novelty over D1.

- 3.0 For similar reasons the subject matter of D3 is prejudicial to the novelty of the present claims 1, 7, 8, 10, 14 and 16 (see claim 2 and example 1 in D3).

- 4.0 None of the cited documents discloses the reaction of an amino triazine with an oxocarboxylic acid derivative as specified in the present claim 6. The subject matter of the present claim 6 is therefore novel over said documents. Likewise, the oxocarboxylic acid derivative is not rendered obvious by the prior art citations. The subject matter of the present claim 6 therefore involves an inventive step.